

Panaji, 25th July, 1996 (Sravana 3, 1918)

SERIES I No. 17



OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Revenue

Notification

1/2/92-RD

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975, is hereby pre-published as required by sub-section (2) of section 61 read with section 42-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), for information of the persons likely to be affected thereby, and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft amendment may be forwarded to the Under Secretary to the Government of Goa, Revenue Department, Secretariat, Panaji, before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by section 61 read with section 42-A of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975, namely:

1. *Short title and commencement.*— (1) These rules may be called the Goa Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) (Amendment) Rules, 1996.

(2) They shall come into force at once.

2. *Amendment of rule 2.*— In rule 2 of the Goa, Daman and Diu Agricultural Tenancy (Discharge of Joint Responsibility of Tenants) Rules, 1975 (hereinafter referred to as the "principal Rules"), in clause (d), after the words "group of tenants" and before the words "who jointly derive" the words "who have become deemed purchasers by virtue of the Goa, Daman and Diu Agricultural Tenancy (Fifth Amendment) Act, 1976 and" shall be inserted.

3. *Amendment of rule 3.*— In rule 3 of the principal Rules,—

(a) in clause (a) of sub-rule (1), for the words "Not less than twenty five tenants" the words "Not less than ten tenants" shall be substituted;

(b) in sub-rule (2), for the words "at least twenty five", the words "at least ten" shall be substituted.

4. *Amendment of rule 4.*— In sub-rule (1) of rule 4 of the principal Rules, after clause (iii), the following clause shall be inserted, namely:

"(iv) to consider and decide the terms and conditions of lease of fishing rights of the sluice-gate or "Umalo" in the vicinity of sluicegate or in the rivulet and also to decide whether the public auction of fishing rights of the sluicegate or vicinity thereof shall be reserved exclusively for the members of the Tenants Association or not."

5. *Amendment of rule 6.*— In rule 6 of the principal Rules,—

(a) in sub-rule (10), for the words "appointed by the Managing Committee with the approval of the Mamilatdar", the words "duly appointed by the Director of Accounts or the Registrar of Co-operative Societies, on reference made by the Mamilatdar" shall be substituted;

(b) in sub-rule (11), after the words "the Mamilatdar concerned" and before the words "shall have power", the words "or the Auditor" shall be inserted;

(c) for sub-rule (15), the following sub-rule shall be substituted, namely:-

"(15) If the Māmlatdar, after summary enquiry, is satisfied that the Managing Committee or any office-bearer thereof has failed to discharge the duties or has abused the powers or has misappropriated the funds of the Tenants Association by not maintaining the accounts in the specified manner resulting in loss to the Tenants Association or has done any acts which are harmful to the agricultural land, he shall dissolve the Managing Committee or summarily remove any Office-bearer of the Managing Committee and appoint an ad hoc Managing Committee or any of its Office bearer to perform all the duties and exercise all the powers of the Managing Committee as enumerated in the preceding rules till the new Managing Committee or its Office-bearer takes charge:

Provided that such ad hoc Managing Committee shall continue to function till a new Managing Committee or any of its Office bearer is appointed in accordance with the provisions of sub-rule (1) or till the expiry of six months from the date of its constitution, whichever is earlier."

6. *Amendment of rule 8.*— In rule 8 of the principal Rules, after sub-rule (2), the following sub-rule shall be inserted, namely:-

"(2A) The lessee to whom the fishing rights have been auctioned, shall not be granted a reduction in payment of rent of sluice-gate on his request by the Managing Committee or the General Body of members in the meeting called for the purpose unless the Director of Fisheries certifies that the loss of fish or income of the sluice-gate or vicinity thereof was caused due to natural mortality of fish or any other factors beyond the control of the lessee."

7. *Amendment of rule 9.*— In rule 9 of the principal rules, after sub-rule (2), the following sub-rule shall be inserted, namely:-

"(2A) If the Director of Agriculture or the Incharge of Soil Conservation Division (Executive Engineer) fails to convey his readiness to execute the work within thirty days from the date of report by the Managing Committee, the Managing Committee may carry out the work under intimation to the Soil Conservation Division and the Māmlatdar concerned."

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (Revenue).

Panaji, 5th July, 1996.